

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1, 3-5 and 7-15. Claims 1, 3, 4, 7-12, 14 and 15 are amended herein. Proper support for the claims amendments can be found at least on page 13, line 22 through page 14, line 19. Claims 2, 6, 9 and 16-20 remain cancelled. No new matter is presented.

Thus, claims 1, 3-5 and 7-15 are pending and under consideration. The rejections are traversed below.

**EXAMINER INTERVIEW:**

Applicants would like to thank the Examiner for taking the time to conduct an Examiner Interview on February 15, 2007. If further clarification is necessary, Applicants respectfully request that the Examiner contact the undersigned before acting on this application to expedite the prosecution of the application.

**REJECTION UNDER 35 U.S.C. § 112¶2:**

The Examiner rejected claims 1, 3-5 and 7-15 under § 112¶2.

The claimed invention includes immediately connecting a first client when the server is judged to be accessible and automatically connecting a second client whose access request has been suspended. Pertinent claims are amended herein for clarification.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 1, 7, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,088,737 (Yano), U.S. Patent No. 4,788,715 (Lee), U.S. Patent No. 6,449,357 (Sashihara). Claims 1, 7, 8, 14 and 15 were also rejected based on Lee, Sashihara and U.S. Patent No. 6,389,028 (Bondarenko).

The Examiner acknowledges that Yano does not explicitly disclose incrementing the access number. However, the Examiner indicates that the figures in Yano make it clear that Yano discloses updating the total number of accesses by clients, and thus, the incrementing of these numbers is inherent to the update process. Applicants respectfully traverse the Examiner's statement because the access management module in Yano is directed to determining whether an upper limit for the number of accesses in correspondence with the

capacity has been exceeded. As such, Applicants respectfully request that the Examiner produce authority for the statement.

In the outstanding Office Action, the Examiner indicates that functionality of waiting queues are well known in the art. Applicants respectfully traverse the Examiner's statement because supporting evidence related to the suspending functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... server only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

M.P.E.P. § 2144.03

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion (see, M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Further, even if the Examiner's assertion and rejection based on common knowledge is valid, the claimed invention is distinguishable as discussed below.

The Examiner maintains that Yano teaches suspension of an access request from a client when judging a server inaccessible and automatic connection of the client when the server becomes accessible. In Yano, a camera server apparatus determines whether an additional client to the number of clients currently connected would exceed a permissible number when the camera server apparatus receives a connection request from the additional client. As explicitly stated in Yano, only static information is presented to the user so that “the user is able to obtain clear suggestion for re-accessing” (see, col. 7, lines 29-33) and “the user can be provided with a hint for the next action as to whether to wait for a while and re-send an access request later, or to give up sending the access request for the moment” (see, col. 7, lines 22-29). Meaning, Yano only places requests that have been rejected (not suspended) in queue and requires the user to re-access the server for connection.

The Examiner relies on Lee as teaching automatic connection of a client to the server deemed accessible as taught by the claimed invention. However, Lee is limited to periodic expected waiting time announcements based on whether there are remaining number of queue entries (see, FIG. 6 including corresponding text and col. 6, lines 35-65).

Sashihara is directed to tailoring a status report according to the type of a remote contact device. Specifically, Sashihara is limited to a reporting interval dictated by the user where the user is required to manually enter or specify a time interval for receiving the reporting (see, col. 9, lines 15-25).

Bondarenko adds nothing to the teachings of Yano, Lee and/or Sashihara. In particular, Bondarenko discusses informing network-based callers of estimated waiting time for call backs from agents working in communication centers (see, col. 7, lines 55-67 and Fig. 2). However, Bondarenko does not teach or suggest managing access requests to a server and automatically connecting suspended requests in accordance with load of the server.

In contrast, by way of example, independent claim 1 recites, “judging whether said server is accessible by comparing an access number and a submitted access number in response to an access request from a first client among said clients to said server” and “immediately connecting said first client with said server when the server is judged accessible.”

Claim 1 further recites, “suspending an access request of a second client and displaying information of a number of accesses on said second client” and “automatically connecting said second client whose access request is suspended” based on a determination of accessibility by the second client where updated information of accesses is provided at a time interval “varied

according to said information of the number of accesses [which is] set to be longer as a number of clients in an access querying state increases.” Independent claim 15 recites similar features.

The cited references do not teach or suggest the above-identified features including “suspending an access request of a second client”, “automatically connecting said second client” based on a determination of accessibility where “the time interval varied according to said information of the number of accesses and is set to be longer as a number of clients in an access querying state increases”, as recited in claims 1 and 15.

It is submitted that the independent claims are patentably distinguishable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claim 1 are patentably distinguishable over Bondarenko, Yano, Lee and/or Sashihara.

Therefore, withdrawal of the rejection is respectfully requested.

#### **DEPENDENT CLAIMS:**

Claims 3-5 and 8-13 were rejected based on various combinations of the following: Yano, Lee, Sashihara U.S. Patent No. 5,867,572 (MacDonald), U.S. Patent No. 5,006,983 (Wayne), U.S. Patent Publication No. 2002/0101881 (Sundaresan), U.S. Patent No. 6,023,681 (Whitt), U.S. Patent No. 6,006,269 (Phaal) and U.S. Patent No. 6,470,323 (Suzuki).

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. Specifically, none of the cited references, alone or in combination, teach or suggest “suspending an access request”, subsequently connecting the client “automatically” when accessibility is determined using “a queuing condition indicative of said updated information of number of accesses provided responsive to said suspending” that is displayed at an interval “varied according to information of the number of accesses”, as recited in claim 1 (claims 3-5 and 8-13 depend from claim 1).

The dependent claims are also independently patentable. For example, as recited in claim 9, “requesting a password input from said user before the said server becomes accessible, and allowing access of said second client to said server upon the password input, regardless of said determination whether said server becomes accessible when authorizing that said input password is correct.”

The cited references do not teach or suggest the above-discussed features including "requesting a password input from said user ... and allowing access of said second client to said server upon the password input, regardless of said determination whether said server becomes accessible", as recited in claim 9.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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